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Committee on Economic, Social and Cultural Rights
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Summary record of the 60th meeting
Held at the Palais des Nations, Geneva, on Monday, 25 September 2017, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of the Russian Federation (E/C.12/RUS/6; E/C.12/RUS/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Cherkasov** (Russian Federation), introducing his country's sixth periodic report (E/C.12/RUS/6), said that the efforts of the Russian Federation to promote human development were based on its Constitution, which guaranteed equal human rights and freedoms and prohibited any infringement of citizens' rights on social, racial, ethnic, linguistic or religious grounds.

3. Major changes had taken place since the consideration of the previous periodic report of the Russian Federation in 2011. In May 2012, the President had signed decrees providing for measures to improve the situation in all the areas covered by the Covenant. Over the reporting period, the wages of workers in various sectors had increased significantly, the affordable housing market had grown, and inter-ethnic harmony had been strengthened. Special measures had been taken to improve the financial situation of families with three or more children, to make it easier for women to combine work and childcare, and to provide vocational training for mothers on parental leave with young children.

4. The policies adopted to strengthen the protection of social rights in the period 2012-2016 had included the National Children's Strategy for 2012-2017, the road map for State migration policy, the revised Federal Act on the Basic Principles of Social Services, and the Federal Act on the Special Assessment of Working Conditions. The Government had approved a road map for State family policy, with a view to protecting the family as the bedrock of Russian society; an action strategy for senior citizens, to improve the well-being of the elderly; and the consumer protection strategy, which was one of the first examples in the world of a dedicated strategy for the protection of consumers belonging to specific vulnerable groups. In March 2017, the Government had approved the national women's strategy and set up a council to coordinate its implementation; the draft implementation plan provided for priority measures across a range of areas.

5. During the reporting period, the Russian Federation had ratified the Convention on the Rights of Persons with Disabilities and had introduced major amendments to legislation related to their protection. Discrimination on the basis of disability had been declared inadmissible. Implementation of the "Accessible environment" programme had been under way since 2011, with the aim of ensuring barrier-free living conditions for persons with disabilities by 2020. Efforts had been made to promote their employment and improve their professional skills. In the period 2013-2015, 44,200 jobs had been created for persons with disabilities.

6. Significant progress had been achieved in implementing digital technologies in the social sphere. There were dedicated web portals to help citizens to find work, receive advice on working conditions and file complaints. All federal and regional State authorities could be contacted directly through dedicated applications on their websites. The register of persons with disabilities and social security data had also been digitized.

7. Despite the financial and economic crisis and the unilateral sanctions imposed in 2014 and 2015, the Russian Federation had continued to fulfil all its social obligations towards its citizens. The unemployment rate had fallen from 6.5 per cent in 2011 to the current 5.2 per cent, and the minimum wage had nearly doubled over the same period. The minimum wage was currently equivalent to 72 per cent of the minimum subsistence level of the working population, and a bill had been prepared to provide for that figure to rise to 85 per cent by 1 January 2018 and to 100 per cent by 1 January 2019. The proportion of the working population paid less than the minimum subsistence level had nearly halved

between 2011 and 2016. In 2016, legislative measures had been taken to increase the liability of employers for the late payment of wages. The number of workers owed wages had fallen from around 113,000 in 2011 to 70,000 in 2016.

8. Now that economic growth had returned, the Government was working to modernize all aspects of economic and social life. To that end, it had developed a "pilot portfolio" of priority projects for a range of areas, including health care, education, housing and employment, and had set corresponding goals for the short and medium terms.

9. In 2015, the President had set up the Federal Agency for Ethnic Affairs, which had since drawn up strategy papers on government policy in that area. The Russian Federation was one of the most ethnically diverse countries in the world, and its efforts to ensure inter-ethnic peace and harmony reflected a historical tradition that could be traced back to the early twentieth century. In 2016, approval had been given to a State programme for the implementation of government policy on ethnicity, which contained dedicated sections on the socioeconomic development of the numerically small indigenous peoples of the north, Siberia and the far east, and on the sociocultural adaptation and integration of migrants. In 2017, approval had been given to a plan for the third phase (2016-2025) of the implementation of the road map for the sustainable development of the numerically small indigenous peoples of the north, Siberia and the far east.

10. The Government was working to address a number of remaining challenges, including irregular migration, the informal labour market and substandard housing.

11. **Mr. Windfuhr** (Country Task Force) said that he wished to know when the State party would ratify the Optional Protocol to the Covenant and, if it had decided not to do so, what reasons had been given for that decision. It was unclear whether the Office of the Commissioner for Human Rights in the Russian Federation had been granted adequate resources, access and powers, how it operated in remote areas of the country, and why the majority of the complaints that it received concerned social and economic rights. It would be helpful if the delegation could provide additional information on the application of the Covenant in national courts, and on the measures planned to ensure the justiciability of economic, social and cultural rights and the provision of judicial or other remedies for violations of such rights.

12. More information would be welcome on Federal Act No. 121 of 20 July 2012, pursuant to which certain non-commercial organizations could be declared "foreign agents", and on the possibility of its amendment or repeal. In the context of that Federal Act and Federal Act No. 129 of 23 May 2015, pursuant to which certain foreign and international organizations could be declared "undesirable", he wished to know whether non-governmental organizations working to promote the rights enshrined in the Covenant were able to carry out their work effectively. He would appreciate more information on the current situation of human rights defenders in the State party, including information on threats against trade union leaders, non-governmental organizations and activists working in the field of economic, social and cultural rights, and on the measures planned to improve the situation of such persons.

13. He invited the delegation to inform the Committee of any measures taken to ensure that persons living in the Autonomous Republic of Crimea and the city of Sevastopol, as the territory was referred to in General Assembly resolutions, were able to enjoy their economic, social and cultural rights, and to describe how those rights would be effectively protected.

14. It would be helpful if the delegation could indicate whether the State party planned to develop an action plan for the implementation of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework; what efforts would be made to ensure that Russian companies conducted effective human rights due diligence; and how the State party monitored the activities of Russian companies with a view to preventing violations of the rights enshrined in the Covenant. In addition, he wished to know what steps had been taken to implement the Paris Agreement; how the State party would be affected by climate change; which groups would be most severely affected; which adaptation measures were the most important; and what contribution would be made to climate change mitigation at the global level.

15. He wondered whether the State party had considered the possibility of abolishing the requirement that an indigenous group should have fewer than 50,000 members in order to qualify for special State protection. It was unclear when the federal Government would recognize "territories of traditional nature use" under the relevant Federal Act of 2001 and what would be done to ensure that indigenous tenure rights were adequately protected. He wished to know how the Government sought to obtain the free, prior and informed consent of indigenous peoples for extractive projects carried out in the areas in which they had traditionally lived; whether the United Nations Declaration on the Rights of Indigenous Peoples would be taken into account in such cases; what efforts would be made to provide adequate reparation to the Shor people following the destruction of the village of Kazas, and what would be done to protect indigenous areas close to extractive facilities.

16. It would be helpful if the delegation could indicate whether personal and corporate taxation rates were sufficiently high to support the effective protection of economic, social and cultural rights; whether it believed that the tax system was just, given that consumption taxes generated larger revenues than personal and corporate taxes; whether the sanctions imposed on the country had affected the availability of resources for the protection of economic, social and cultural rights; whether the State party intended to increase the proportion of its gross national income allocated to development assistance; and what financial contribution would be made to climate adaptation funds. In addition, he invited the delegation to compare the resources allocated to the protection of economic, social and cultural rights with those allocated to the armed forces.

17. He wondered whether the State party intended to develop comprehensive anti-discrimination legislation, which would benefit a number of groups, including Roma, migrant workers, indigenous peoples, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, stateless and unregistered persons, drug users and non-Ukrainian asylum seekers. He wished to know what measures would be taken to guarantee equal rights for men and women, what priority areas had been established under the national women's strategy for 2017-2022, and whether additional efforts would be made to counter domestic violence.

The meeting was suspended at 3.45 p.m. and resumed at 4 p.m.

18. **Mr. Cherkasov** (Russian Federation) said that it had been decided that accession to the Optional Protocol to the Covenant was unnecessary, as national legislation was sufficiently well developed to provide for adequate protection measures for economic, social and cultural rights. The Commissioner for Human Rights was represented in all regions and maintained a website through which complaints could be filed. The fact that a high proportion of the complaints received in recent years had concerned social and labour rights was due in part to the difficult economic situation during that period.

19. The provisions of the Covenant that concerned non-discrimination and equality had been incorporated into national legislation, such that there was no need for a separate law on non-discrimination. The Covenant had been cited in decisions of the Supreme Court and those of lower courts, which showed that its provisions carried considerable legal weight. The Committee's general comments and concluding observations were forwarded to the Supreme Court and lower courts. Other international human rights instruments could also be applied in national courts.

20. **Ms. Gurzhieva** (Russian Federation) said that, in order to be deemed to be "performing the function of a foreign agent" under Federal Act No. 121 of 20 July 2012, a non-commercial organization had to be registered in the Russian Federation, receive funding from foreign sources and conduct political activities in the territory of the Russian Federation. Since its entry into force, only 164 non-commercial organizations had been required to register as non-commercial organizations performing the function of a foreign agent, and such non-commercial organizations had the right to be removed from the register if they ceased to operate. The burden of proving that an organization was performing the function of a foreign agent fell on the State.

21. Non-commercial organizations deemed to be performing the function of a foreign agent were not prevented from receiving funding from either Russian or foreign sources or from conducting political activities. Indeed, during the latest round of presidential grants

for the development of civil society, the beneficiaries had included non-commercial organizations deemed to be performing the function of a foreign agent. The concept of "political activities" excluded activities conducted in a number of fields, including science, culture and art. The Constitutional Court had found that the application of Federal Act No. 121 did not represent an attempt to discredit politically active non-commercial organizations, and the fines imposed on non-commercial organizations that failed to register as foreign agents, if required to do so, had been reduced. The law enforcement authorities had since developed a unified practice for the enforcement of Federal Act No. 121.

22. Pursuant to Federal Act No. 129 of 23 May 2015, a foreign or international non-governmental organization operating in the territory of the Russian Federation could be declared to be undesirable if it was deemed to pose a threat to the constitutional order of the Russian Federation, the country's defence capability or the security of the State. The Ministry of Justice was charged with maintaining and publishing the register of such declarations, which currently contained information on 11 organizations.

23. **Ms. Mukabenova** (Russian Federation) said that great importance was attached to the issue of business and human rights. Work was under way to strengthen corporate social responsibility, and the Ministry of Foreign Affairs had a business council in which the matter was regularly discussed. The Russian Federation had been instrumental in the creation of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, the Working Group on the issue of human rights and transnational corporations and other business enterprises, and the Forum on Business and Human Rights. The country made annual financial contributions to support such activities and continued to promote the issue of business and human rights in all United Nations forums. In addition, the Government supported the involvement of Russian business in international multilateral discussions and forums. Although the Guiding Principles on Business and Human Rights provided for the development of a national plan, the realization of those obligations took place at the national level.

24. The sites at which industrial and extractive activities were conducted were often close to areas in which numerically small indigenous peoples had traditionally lived. The Russian Federation was working to develop a system to regulate the interactions of numerically small indigenous peoples and extractive companies. The company responsible for one oil project, Sakhalin-2, for instance, had held two rounds of consultation in the area where the indigenous people resided, and the associated plans took into account their traditional means of subsistence. The project included a special series of measures, such as complaints procedures, to mitigate its negative impacts. Moreover, the company had, with the cooperation of the Office of the United Nations High Commissioner for Human Rights, translated into the languages of the local indigenous peoples the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples. It was the goal of the Russian Federation to ensure an equitable relationship between the State, business corporations and indigenous peoples.

25. **Mr. Sirenkii** (Russian Federation) said that one of the responsibilities of the Federal Agency for Ethnic Affairs was to protect the rights and freedoms of indigenous peoples. In early 2017, the Agency had proposed amendments to the relevant legislation to stipulate that business operations in the natural homelands of indigenous peoples should give greater consideration to the opinions of the communities living there. The activities of extractive industries in territories of traditional nature use would thus be regulated, to ensure that the indigenous peoples concerned were consulted.

26. Given the absence of legislation on compensation for losses incurred as a result of business activities conducted in lands of traditional nature use, the Agency had proposed legislative changes to define such compensation and ensure greater transparency. It had also proposed a bill to create a register of information on indigenous peoples; the lack of adequate data was the biggest challenge currently faced by the Agency, and the register would make it possible to monitor socioeconomic conditions and take any necessary actions.

27. In 2012, a group of Shor people had approached the local authorities to express their concerns regarding coal mining activities taking place in their region. Consequently, the coal company involved had decided to buy the land where it was conducting operations. The families living there had been offered compensation of approximately 3.5 million roubles per household. Despite that amount being sufficient for the purchase of a new home in the municipality, some of the potential beneficiaries had deemed it unsatisfactory. To further assist the people affected, the regional authorities had decided to relocate and rebuild the settlement affected; that arrangement had been decided on in conjunction with the Shor people.

28. **Mr. Cherkasov** (Russian Federation) said that the tax and budgetary codes of the Russian Federation provided for a flexible mechanism for the distribution of monetary resources with a view to supporting areas and organizations in need of development. Tax breaks, such as lower corporate taxes and lower value added tax, existed for socially focused entities, including educational and medical organizations. In addition, small and medium enterprises were exempt from paying taxes for the first two years after their official incorporation. A progressive system of taxation had been in place until 2000. However, because it had proven to be ineffective, it had been replaced with a flat tax, which had produced an increase in tax revenue.

29. Because not all companies were able to deal with the effects of the international sanctions imposed on the country, the risk of workplace redundancy had increased. The Russian Federation had adopted measures to mitigate the strain placed on the labour market. Moreover, despite the problems entailed by the sanctions, the Russian Federation was fully meeting all its social commitments and obligations.

30. In keeping with article 2 of the Covenant, the Constitution provided for the prohibition of discrimination on a number of grounds. Furthermore, the Criminal Code provided for punishment in the event of violation of the provisions ensuring the equality of all citizens.

31. The national women's strategy sought to ensure implementation of the main government policies for improving the situation of women. The objectives of the strategy included increased educational opportunities for women, enhanced health services for women, greater participation of women in decision-making and a decrease in the gender pay gap. In addition, measures had been taken to prevent the employment of women in hazardous workplaces. Lastly, a bill on the prevention and elimination of domestic violence was pending adoption. If the bill was not passed, legislation such as the Criminal Code and Administrative Offences Code would nonetheless provide a suitable legal framework for addressing the issue.

32. **Mr. De Schutter** said that he would like to hear more about why the State party had shifted from a relatively progressive system of taxation to a flat tax rate. He would also appreciate an account of how the Russian Federation justified such a step in the light of its obligations under the Covenant. In 2014, legislative changes had been introduced to make it easier to remove indigenous peoples from their lands; he would welcome clarification of how that was deemed compatible with the United Nations Declaration on the Rights of Indigenous Peoples. With regard to the fight against corruption, he would be grateful for details of the effectiveness of the national anti-corruption strategy, the number of corruption cases that had been heard by the courts, the protections afforded to whistle-blowers, and the right of victims of corruption to file complaints.

33. **Mr. Sadi** said that he would appreciate assurances that all the multiple ethnic groups in the country were treated equally. In addition, he would welcome examples of how the State party had implemented the recommendations issued by the Committee during the previous reporting cycle. In the light of the importance of ensuring the justiciability of the Covenant, it would be useful to learn how the positive measures taken in respect of migrants and persons with disabilities, for example, were anchored to Covenant provisions. Lastly, he wished to know whether there were any plans to reduce the use of atomic energy.

34. **Mr. Uprimny** (Country Task Force) asked whether the State party intended to return to a progressive system of taxation and if not, whether it had provided for any measures with which to counter the inequality generated by the current tax scheme.

35. **Mr. Kedzia** said that he would welcome clarification of the term "foreign agent". He would also appreciate a description of the activities of the 11 organizations that had been formally identified as undesirable organizations by the State party.

36. **Mr. Cherkasov** (Russian Federation) said that after several reviews of the flat tax it had been determined that increasing the tax burden would be an ineffective measure.

37. **Mr. Kolbanov** (Russian Federation) said that, in 2016, 12 per cent of the budget had been allocated to defence spending and 57.3 per cent to spending in social and cultural areas; it was thus clear that priority was given to financing social and cultural issues. In addition, the Government was doing its best to reduce income inequalities; between 2011 and 2016, the income differentiation ratio had been reduced by more than half, thanks to special Government measures.

38. **Mr. Cherkasov** (Russian Federation) said that as part of its efforts to tackle the problem, the Russian Federation had signed the United Nations Convention against Corruption. A bill concerning the protection of whistle-blowers was currently pending approval. Significant work was also being done to mainstream anti-corruption standards.

39. **Ms. Gurzhieva** (Russian Federation) said that, according to the Constitutional Court, the discrediting of non-commercial organizations identified as foreign agents was not the goal of such identification. Under Russian law, those organizations were subject to certain limitations, including a ban on the dissemination of information, in order to maintain law and order and protect national security, all of which was in keeping with international law and the Covenant.

40. **Mr. Cherkasov** (Russian Federation) said that the question of atomic power was a political matter.

41. **The Chair**, noting that unemployment rates were particularly high in rural areas and among young persons and had remained fairly stable in spite of measures taken in that regard, said that she wished to know how the Government viewed the situation and what it was doing to improve the effectiveness of its measures to reduce unemployment.

42. She would appreciate more information on the labour rights and social security benefits enjoyed by workers in the informal sector. She wondered, for example, whether they had the right to join trade unions and whether they were protected by minimum wage regulations.

43. She would like more information on plans to repeal or review the list of occupations that could not be performed by women, as well as an update on the situation of LGBTI persons and persons in Crimea without Russian citizenship, in the light of reports of discrimination against both groups in the field of employment.

44. She would appreciate clarification of the status of the bill that was being drafted to raise the minimum wage, as well as further details of the steps being taken to ensure that employers complied with minimum wage regulations and to tackle the problem of undeclared work, in the light of concerns raised by the Commissioner for Human Rights in the Russian Federation.

45. The delegation should provide updated information on the gender pay gap and any measures being taken to reduce it. Noting that many migrant workers faced poor working conditions, she enquired how the State party monitored the observance of migrant workers' rights by employers; whether steps had been taken to enable migrant workers to file complaints without fear of reprisals; how many cases of violations of migrant workers' rights had been prosecuted; and what penalties had been imposed in those cases.

46. Drawing attention to the alleged violations of workers' rights during the construction of stadiums for the 2017 Fédération internationale de football association (FIFA) Confederations Cup and the 2018 FIFA World Cup, including the death of 17 workers on stadium sites, she asked what measures had been taken to protect the health and safety of workers in the construction sector.

47. She enquired whether the Government planned to amend article 413 of the Labour Code to remove the restrictions on strikes, in accordance with paragraph 19 of the

Committee's previous concluding observations (E/C.12/RUS/CO/5) and the recommendations of the International Labour Organization.

48. Pointing out that social security was not available to certain groups, such as stateless persons, she asked what changes would be made to ensure universal social security coverage, in line with the Committee's general comment No. 19 on the right to social security. Lastly, she enquired whether the Government planned to harmonize the retirement age for women and men, so as to ensure equal pension rights, and to introduce an unemployment benefit.

49. **Mr. Cherkasov** (Russian Federation) said that the bill on the minimum wage was before the parliament. In the framework of the national women's strategy, the list of occupations that could not be performed by women would be revised, taking into account recent legislative amendments. Working conditions were monitored by the Federal Labour and Employment Service; employers that failed to take the necessary measures to protect their workers were required to make additional contributions to the pension fund.

50. Legal migrant workers enjoyed full protection of their rights, under specific legislation that had recently been amended. Employers were required to provide medical insurance for migrant workers who were not already covered. The number of legal migrants was regulated by the Government, taking into account the needs of each federal entity. Migrants could obtain a licence for legal employment, for a period of one month to one year, with the possibility of extension. International migration agreements had been signed with States such as Armenia and Belarus; citizens from those States did not require authorization to enter the Russian Federation.

51. As of 2015, temporary residents could exercise their pension rights; furthermore, foreign nationals who had paid social security contributions for at least six months were eligible for unemployment benefits.

52. **Ms. Zaitseva** (Russian Federation) said that the Prosecutor General's Office established inter-agency working groups to coordinate the preparation of events such as the FIFA World Cup. Those working groups discussed measures to ensure compliance with labour legislation on construction sites. During the preparations for the FIFA World Cup, the prosecutor's offices in the Republic of Mordovia and the Kaliningrad Region had taken measures to restore the rights of migrant workers. Monitoring of compliance with labour legislation during construction of the Olympic Winter Games site in Sochi had been carried out by a special department of the prosecutor's office in the Krasnodar Region. Over 500 violations had been dealt with by that department in 2013. Redress had been provided to workers who had not been properly paid, for example. Prosecutors could also hand down administrative decisions to employers, to ensure compliance with health and safety standards.

53. **Mr. Atangana** (Country Task Force) asked how legislation to protect the family was implemented in practical terms and what the minimum legal age for marriage was. With respect to persons placed in institutions, he reiterated the questions posed in paragraph 22 of the list of issues and asked what redress had been provided to victims of ill-treatment in institutions. Noting that acts of violence were defined as criminal or administrative offences depending on the case, he enquired how each type of offence was dealt with and how the State party defined a repeat offence. Lastly, he asked what measures had been taken with respect to street children.

54. **Ms. Liebenberg** (Country Task Force) said that the Committee would appreciate a more detailed explanation of the causes of the rise in poverty and the countermeasures that would be taken in that regard. She wondered whether the register of information on numerically small indigenous peoples would contain information on the social status of indigenous persons and how soon the register would be drawn up.

55. In the light of complaints submitted to the Ombudsman with regard to housing, she asked what measures had been taken to improve the overall quality of housing and to ensure access to temporary housing as required and to affordable utilities.

56. Drawing attention to a recent ruling in which the European Court of Human Rights had found that the demolition of a Roma settlement had constituted a violation of the

Convention for the Protection of Human Rights and Fundamental Freedoms, she enquired what steps were being taken to legalize Roma settlements and to protect Roma communities from forced evictions, demolitions and disconnection of utilities, in accordance with the Committee's general comment Nos. 4 and 7 on the right to adequate housing and general comment No. 15 on the right to water.

57. Noting that the State party's punitive policy on drug use had given rise to a host of problems, including the rapid spread of HIV, she asked what steps would be taken to promote a human rights-based approach to the issue, in line with the Committee's previous concluding observations (E/C.12/RUS/CO/5), and to adopt methods advocated by the World Health Organization and the Joint United Nations Programme on HIV/AIDS, such as opioid substitution therapy.

58. In the light of reports that asylum seekers, refugees and migrants did not enjoy effective access to health care, she enquired what legislative and administrative measures would be taken to address that problem. She wished to draw attention to the fact that Ukrainian citizens in Crimea without Russian citizenship were unable to benefit from free medical care under the mandatory medical insurance scheme and often could not afford private medical care.

59. Lastly, noting that gender reassignment surgery was costly and was not covered by the mandatory medical insurance scheme, she asked what would be done to ensure that transgender persons had access to appropriate and affordable gender reassignment procedures and were treated with respect by health professionals.

The meeting rose at 6 p.m.